



PLANNING DIVISION
STAFF REPORT

Board of Adjustment

March 4, 2020

CASE No.: **BOA20-00032**

CASE NAME: **Fountain Assisted Living**

Owner's Name:	Amante Investment Partners LLC
Applicant's Name:	P West Properties VIII, LLC c/o Phillip Westbrook
Location of Request:	2260 E Brown Road
Parcel Nos:	141-11-090
Nature of Request:	Requesting a Special Use Permit (SUP) to allow an assisted living facility in the OC District
Zone District:	Office Commercial (OC)
Council District:	1
Site size:	0.81 ± acres
Proposed use:	Assisted Living Facility
Existing use:	Vacant Building
Staff Planner:	Kellie Rorex
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On **December 7, 1964**, the property was annexed into the City of Mesa (Ord. #478) and was later developed as a single-family home in the mid-1970's and then converted into an office space.

On **January 27, 1992**, the City Council approved a rezone of the subject site from Multiple Residence (R-4) to Office Service (O-S, now Office Commercial zoning) to allow for an existing office use to be brought into conformance (Case no. Z91-050).

On **October 13, 1992**, the Board of Adjustment approved a Special Use Permit (SUP) to allow an accessory dwelling unit as an accessory use and the following four variances (Case no. BA92-038):

1. A variance to allow the parking lot to encroach into the required side yard along 23rd Street;
2. A variance to allow less than the required landscaping along the side, rear, and front yards;
3. A variance to allow an existing office structure to encroach into the required side yard along 23rd Street; and
4. A variance to allow fewer than the number of required onsite parking spaces on the site.

PROJECT DESCRIPTION

Background:

The applicant is requesting a Special Use Permit (SUP) to allow for an assisted living facility in the Office Commercial (OC) zoning district. If approved, the existing 7,314 square foot building would be converted into a 15-bedroom assisted living facility. Due to the granting of several previous variances, no other site modifications or requests are required for the conversion of the existing building from an office use to an assisted living use.

The applicant proposes to fill in the existing swimming pool in the northwest corner of the site to create an outdoor open space area for the enjoyment of the assisted living facility residents. As part of those improvements the applicant plans to add landscaping to provide additional buffering to the residential use to the north. Per MZO section 11-6-3(F) at least 20 feet of the required setback adjacent to a Single-Residence district must be landscaped, however, because the yards, adjacent to a single-residence district, are not visible from public parking or a drive aisle no trees or shrubs are required in this landscape setback (MZO section 11-33-3(B)(1)(c)(ii)). The applicant, however, is providing shrubs and landscape material to these setbacks to create a larger buffer between the site and neighboring properties. The applicant also intends to refresh the landscaping on the remainder of the site by adding additional shrubs and other plant materials around the perimeter of the site while retaining as much mature landscape material as possible.

The subject site contains 19 off-street parking spaces which exceed the 17 required spaces for an assisted living facility per 11-32-3(A) of the Mesa Zoning Ordinance (MZO). The site has traditionally used barrel service for solid waste pick up; the applicant is requesting to maintain the residential-type service. As part of the request to maintain barrel service, the applicant will need to comply with City of Mesa Transportation and Solid Waste Division requirements in regard to the barrel placement and pickup. An existing driveway on the east side of the site will be closed per Transportation requirements. The existing driveway will then be converted into a barrel storage area. A 6-foot high masonry wall will be constructed to screen the storage from public view. Lastly, no parking zones will be established along 23rd Street, adjacent to the driveway, for the collection of the barrels.

General Plan Character Area Designation and Goals:

The Mesa 2040 General Plan character area designation for the site is Neighborhoods with a Suburban sub type. The primary focus of the Neighborhoods Character area is to provide safe places for people to live where they can feel secure and enjoy their surrounding community. Suburban neighborhoods are the predominant neighborhood pattern in Mesa and are primarily single residence, however, the typical neighborhood area may also contain multi-residence properties.

Chapter 4 of the Mesa 2040 General Plan discusses creating and maintaining great neighborhoods in Mesa. A key element in maintaining a great neighborhood is providing diversity and encouraging a variety of dwelling types that are consistent with the designated character area.

The proposed assisted living use is consistent with the character area designation characterized in Chapter Seven (7) of the Mesa 2040 General Plan and furthers the goals of maintaining great neighborhoods discussed in chapter four (4). An assisted living facility will provide a diverse housing type for seniors in Mesa that will allow for these individuals to age in place in a community they enjoy and continue living where they feel secure. In addition, the existing building has maintained its residential character and will blend in well with the surrounding suburban neighborhood.

Site Characteristics:

The subject site is approximately 0.81 acre and is located on the north side of Brown Road and east of Gilbert Road. The existing 7,314 square foot building fronts Brown Road. Access to the site is provided from Brown Road and from North 23rd Street. There are two driveway accesses onto Brown Road which lead to an existing semi-circular driveway and a limited number of parking spaces on the south side of the building. The majority of the parking (14 spaces) is provided on the north side of the site, accessed from 23rd Street. The site contains a second access onto 23rd Street which once provided access to the original garage. The garage has since been enclosed into interior space and the driveway that lead to the garage will be removed per Transportation requirements.

Surrounding Zoning Designations and Existing Use Activity:

Northwest RS-9 Existing Church	North RS-9 Existing Residential	Northeast RS-9 (Across 23rd Street) Existing Residential
West RS-9 Existing Church	Subject Property OC Vacant Office	East OC (Across 23rd Street) Existing Medical Office
Southwest (Across Brown Road) RS-9 Existing Residential	South (Across Brown Road) RS-9 Existing Residential	Southeast (Across Brown Road) RS-9 Existing Residential

Mesa Zoning Ordinance Requirements and Regulations:

Per Section 11-70-5 of the City of Mesa Zoning Ordinance, the Board of Adjustment shall find upon sufficient evidence when making a decision on Special Use Permits that:

1. Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable City plan and/or policies; and

The proposed assisted living facility is consistent with the Neighborhood character area designation of the General Plan. The existing site has maintained its residential characteristics and the applicant is proposing to maintain those qualities that allow it to fit and blend in with the surrounding neighborhood.

The request complies with this criterion.

2. The location, size, design and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conform with the General Plan and with any other applicable City plan or policies; and

The proposed assisted living facility will not be making any significant exterior modifications to the existing building. The current building has been in its present configuration for over two decades and has maintained the neighborhood characteristics that make the site consistent with surrounding uses. The site will buffer the neighboring residential to the north from the busy arterial and its location next to a church and a medical facility will create a symbiotic association between uses which furthers the goals of chapter four (4) of the General Plan in creating and maintaining great neighborhoods.

The request complies with this criterion.

3. The proposed project will not be injurious or detrimental to the adjacent or surrounding properties in the area, nor will the proposed project or improvements be injurious or detrimental to the neighborhood or to the general welfare of the City, and;

The applicant intends to maintain the original integrity of the building and provide improvements to the site through updated landscaping. The proposed site improvements will not change the residential characteristic of the site and therefore should not be impactful to surrounding properties.

The request complies with this criterion.

4. Adequate public Services, public facilities and public infrastructure are available to serve the proposed project.

No additional facilities or services will be required for the proposed use. The previous owner and tenants of the property used barrels for solid waste collection; the applicant is proposing to continue using barrel service to maintain the residential character of the site.

The request complies with this criterion.

Findings

- A. The subject property was originally developed as a single-family home and was later converted into an office use.
- B. The subject site was rezoned to O-S (currently OC) and obtained certain variances to bring the site into closer conformance with O-S standards.
- C. Improvements to the site include increasing landscaping along the north property line to add additional privacy between the proposed use and the existing single-family home, removal of additional driveway at North 23rd Street, and filling in of pool to create outdoor open space.
- D. The proposed use meets and furthers the goals of the General Plan.
- E. The location, size, design, and operating characteristics of the proposed use is consistent with the surrounding neighborhood and conforms with all City plans.
- F. The proposed project will not be injurious or detrimental to surrounding properties or the City.
- G. The site has adequate public services and facilities for the proposed use.
- H. The proposed use meets the criteria of Section 11-70-5(E) of the MZO for approval of a SUP.

Neighborhood Participation Plan and Public Comments

The applicant sent required notification letters to all property owners within 500 feet of the site. As of writing this report, staff has not been contacted by any resident or property owner to express support or opposition to the request.

Staff Recommendations:

Based on the application received and preceding analysis, Staff finds the request for a Special Use Permit for an assisted living facility in the OC zoning district meets the criteria of Section 11-70-5(E), and therefore recommends approval with the following conditions:

Conditions of Approval:

1. *Compliance with the final site plan and landscape plan as submitted.*
2. *Compliance with all City development codes and regulations.*
3. *Compliance with all requirements of Z91-050 and BA92-038.*
4. *Compliance with all requirements of the Development Services Department regarding the issuance of building permits.*
5. *Prior to issuance of a building permit, obtain approval of the design, through City of Mesa Transportation and Solid Waste Divisions, for the placement of no parking signs and trash barrels adjacent to 23rd Street.*